

ACT 92

H.B. NO. 3548

A Bill for an Act Relating to the Relief of Certain Persons' Claims Against the State and Providing Appropriations Therefor.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The following sums of money are appropriated out of the general revenues of the State of Hawaii for the purpose of satisfying claims for legislative relief as to the following named persons, firms, corporations, others,

ACT 92

and cases for overpayment of taxes, or on account of other claims for refunds, reimbursements, payments of judgments or settlements, or other payments, against the State in the amount set forth opposite their names:

REFUND OF TAXES:	<u>Amount</u>
The Waikikian, Ltd. v. City and County Nos. 1719, 1729, 1743, 1849, 1883, 1905, 1997, 2177 Tax Appeal Court Stipulated Judgment: Aug. 17, 1987 Interest Refund:	\$ 75,300.69

JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:	<u>Amount</u>
Abellira v. State Civil No. 86-0098, 1st Cir. Amount of settlement: No interest	\$ 5,500.00
Balidoy-Noda v. State Civil No. 86-3844, 1st Cir. Amount of settlement: No interest	\$ 10,000.00
Bowling v. Citizen Utilities Co. Civil No. 86-0074, 5th Cir. Amount of settlement: No interest	\$ 10,000.00
Cambra v. State Civil No. 87-1111-04, 1st Cir. Amount of settlement: No interest	\$ 10,000.00
Carlsmith v. Hamakua Sugar Civil No. 86-343(H), 3d Cir. Amount of settlement: No interest	\$ 15,000.00
Chai v. State Civil No. 86-0581, 1st Cir. Amount of settlement: No interest	\$ 25,000.00
Dias v. State Civil No. 86-0710, 1st Cir. Amount of settlement: No interest	\$ 5,000.00
DOE v. Eveland Civil No. 81-0276, U.S.D.C. Amount of settlement: No interest	\$ 8,265.36
DOE v. Wilson Civil No. 84-1278, U.S.D.C. Amount of settlement: No interest	\$ 7,500.00
Eck v. State Civil No. 85-0684(H), 3d Cir. Amount of Judgment: Interest at 4% from 8-3-87:	\$ 7,255.07 \$7,000.00 255.07
Ewbank v. Ewbank Civil No. 86-0205(1), 2d Cir. Amount of settlement: No interest	\$ 5,000.00

Hennessey v. Gouveia Civil No. 9933, 3d Cir. Amount of settlement: No interest	\$ 4,230.14
Heptachlor Litigation Civil Nos. 71320, 72170, 75006, 1st Cir. Amount of settlement: No interest	\$1,500,000.00
Hubbard Civil No. 7662(1), 2d Cir. Amount of settlement: No interest	\$ 87,500.00
Iekar v. State Civil Nos. 86-1209 and 86-1464, 1st Cir. Amount of settlement: No interest	\$ 500,000.00
Kaae v. Martin Civil No. 87-0227, U.S.D.C. Amount of settlement: No interest	\$ 15,000.00
Kamakawiwoole v. State Civil No. 7790, 3d Cir. Amount of settlement: No interest	\$ 5,000.00
Kamoku v. State Civil No. 86-425(H), 3d Cir. Amount of settlement: No interest	\$1,500,000.00
Kent v. McNabb Civil No. 82981, 1st Cir. Amount of settlement: No interest	\$ 7,500.00
Konohia v. Valdez Civil No. 86-1206, 1st Cir. Amount of settlement: No interest	\$ 407,000.00
Leary v. State Civil No. 68444, 1st Cir. Amount of settlement: No interest	\$ 10,000.00
Lee v. State Civil No. 86-0500, U.S.D.C. Amount of settlement: No interest	\$ 22,000.00
Lewis v. State Civil No. 85-0759, 3d Cir. Amount of settlement: No interest	\$ 25,000.00
Lowe v. Bicycle Tours of Maui, Inc. Civil No. 0585(1), 1st Cir. Amount of Judgment: Interest at 4% from 2-24-86:	\$ 19,166.22 \$18,901.80 264.42
Lum v. Cheng Civil No. 86-0565, U.S.D.C. Amount of settlement: Interest at 10% from 2-8-88:	\$ 15,590.16 \$15,000.00 590.16

ACT 92

Lurie v. Kaanapali Properties Civil No. 7130(2), 2d Cir. Amount of settlement: No interest	\$ 5,000.00
Manzano v. Matsuura Civil No. 85-3683, 1st Cir. Amount of settlement: No interest	\$ 7,500.00
McMillien v. Worden Civil No. 86-499, 3rd Cir. Amount of settlement: No interest	\$ 35,000.00
Medina v. State Civil No. 86-3224, 1st Cir. Arbitration Award: No interest	\$ 12,540.60
Mon v. State Civil No. 87-0336, U.S.D.C. Amount of settlement: No interest	\$ 7,000.00
Morales v. State Civil No. 85-0024, 5th Cir. Amount of settlement: No interest	\$ 20,000.00
Murata v. Palacol Civil No. 86-0203(H), 3d Cir. Amount of settlement: No interest	\$ 35,000.00
Norrid v. Reed Civil No. 10095, 3d Cir. Amount of settlement: No interest	\$ 15,742.70
Nunes v. Sunn Civil No. 85-4065, 1st Cir. Amount of settlement: No interest	\$ 45,000.00
Palea v. Clark Civil No. 83-0387, U.S.D.C. Amount of settlement: No interest	\$ 37,500.00
Pekarsky v. Ariyoshi Civil No. 76-0455, U.S.D.C. Amount of settlement attorneys' fees: No interest	\$ 17,652.41
Pumaras v. County Civil No. 86-0607(1), 2d Cir. Amount of settlement: No interest	\$ 6,000.00
Robledo v. Han Civil No. 85-1513, 1st Cir. Amount of settlement: No interest	\$ 25,000.00
Rodgers v. Tanner Civil No. 85-0569, 3d Cir. Amount of settlement: No interest	\$ 3,000.00

Solatario v. Sanchez Civil No. 85-0067(2), 2d Cir. Amount of settlement: No interest	\$ 45,000.00
Tam v. Arakaki Civil No. 86-1679, 1st Cir. Amount of settlement: No interest	\$ 5,500.00
U.S.A. v. State Civil No. 82-0705, U.S.D.C. Amount of judgment: Interest at 5.75% from 11-7-86:	\$ 39,411.26 \$36,000.00 3,411.26
Warner Civil No. 87-0705, U.S.D.C. Amount of Settlement: No interest	\$ 186,260.00
Wood v. Maui Land & Pine Civil No. 85-0485(1), 1st Cir. Amount of settlement: No interest	\$ 15,000.00
MISCELLANEOUS CLAIMS:	
City and County of Honolulu Reimbursement pursuant to section 70-111, Hawaii Revised Statutes	\$ 81,781.12
Krukar, Ruth A.	\$ 18.00
Matsumura, Jacqueline L.	\$ 228.80
Palmerton, William	\$ 2,500.00
Pedronan, Orlino L.	\$ 250.00
United States--Veteran's Administration Refund of overpayment of federal funds appropriated to the Predischarge Education Program	\$100,000

SECTION 2. The sums hereinabove appropriated shall be paid to the respective persons, or for the satisfaction or settlement of the respectively identified cases, and in the several amounts hereinabove set forth upon warrants issued by the comptroller of the State: (1) upon vouchers approved by the director of taxation as to claims for overpayment of taxes or related to taxes and (2) upon vouchers approved by the attorney general as to all other claims.

SECTION 3. Notwithstanding the sums hereinabove appropriated as interest upon judgments against the State and settlements of claims, payment of interest, at the rate stated above, shall be limited to the period from the date of judgment or settlement, if applicable, to thirty days after the effective date of this Act, as provided in section 662-8, Hawaii Revised Statutes, for those cases where judgment or settlement was based on chapter 662, Hawaii Revised Statutes.

SECTION 4. All unexpended and unencumbered balances of the appropriations made by section 1 of this Act as of the close of business on June 30, 1989, shall lapse into the general fund of the State.

SECTION 5. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 6. This Act shall take effect upon its approval.

(Approved May 14, 1988.)